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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/348,069	07/06/1999	ARNETOLI FABRIZIO	63286	4721

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MCGLEW & TUTTLE, PC
SCARBOROUGH STATION
SCARBOROUGH, NY 10510

EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 01/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/348,069

Applicant(s)
Fabrizio

Examiner
Clark F. Dexter

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3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 19, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above, claim(s) 15-35 and 40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 36-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

1. The amendment filed November 19, 2001 has been entered. It is noted that in view of the new amendment practice under 37 CFR 1.121 which became mandatory for all amendments on March 1, 2001, and due to the limited amount of examining time per application, if the amendment contains changes to existing language that requires a marked-up version showing those changes, the Examiner is relying upon the marked-up version(s) for examination of the application. It is applicant's responsibility to ensure that the clean version(s) is (are) the same as the marked-up version(s). It is further noted that the clean version(s) is (are) considered to be the Official version(s).

Election/Restriction

2. New claim 40 has been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species. For example, the structure defined by the limitations directed to the winding mechanism found in lines 7-10 is not present in the elected species of Figures 1, 2, 2A and 2B.

Drawings

3. The drawings stand objected to because in Figure 2A, numeral 5C should be changed to numeral --5C'--. Appropriate correction is required.

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Claim Rejections - 35 USC § 112

4. Claims 1-14 and 36-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, "housing" is vague and indefinite as to what disclosed structure (i.e., other than the housing portion 3) it refers (it is noted that the specification may be amended to obviate this rejection; for example, on page 6, line 20, it is suggested to delete "consisting of a first portion"; in lines 23, 27, 28 and 33, it is suggested to change "portion 3 of the housing" to --housing 3--; and in line 25, it is suggested to delete "portion"); in line 8, "stop means" is vague and indefinite as to what disclosed structure it refers.

In claim 3, line 2, "retention members" is vague and indefinite as to what disclosed structure it refers.

In claim 6, line 4, "a first stop of group of stops on said housing" is vague and indefinite since it is not clear as to what disclosed stops, that are part of the feed mechanism, as also on the housing; in line 5, "a second stop of group of stops on said housing" is vague and indefinite since it is not clear as to what disclosed stops, that are part of the feed mechanism, as also on the housing.

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In claim 37, line 2, "housing" is vague and indefinite as to what disclosed structure (i.e., other than the housing portion 3) it refers (it is noted that the specification may be amended to obviate this rejection; for example, see suggestions for claim 1); in line 6, "winding mechanism" is vague and indefinite as to what disclosed structure it refers; in line 8, "stop" is vague and indefinite as to what disclosed structure it refers.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-14 and 36-39, as best understood, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fabrizio, pn 5,095,688.

Fabrizio discloses a grass-cutting head (e.g., in Fig. 1) with every structural limitation of the claimed invention as best understood from the claims. Specifically, Fabrizio discloses a housing (e.g., 1); at least one spool (e.g., 16); a feed mechanism (e.g., 36, 20, 22); a winding mechanism (e.g., 26 and the lower/outer portions of 3); and stop means (e.g., the horizontal portion of 3A); wherein feature 3 can be slightly lowered, in part by loosening retaining screw 10, and can be rotated in a winding direction, such rotation causing rotation of slots 26, which would

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cause rotation of teeth 36, which would cause rotation of the spool 16 due to the engagement between teeth 36 and teeth 22.

Response to Arguments

7. Applicant's arguments filed November 19, 2001 have been fully considered but they are not persuasive.

In the paragraph bridging pages 12 and 13 of the amendment and also in the paragraphs found on page 13 of the amendment, applicant argues that the term "housing" is not vague and indefinite. The Examiner respectfully disagrees to the extent that it is not clear as to what structure (besides the housing portion 3) makes up the housing, and thus it is not clear as to what disclosed structure it refers, and suggestions have been provided in the rejection above which would clarify and thus obviate this matter.

On page 14 and in the paragraph bridging pages 14 and 15, applicant argues that the term "winding mechanism" is not vague and indefinite, and states that it corresponds in the preferred embodiment to the cylindrical closing wall 13B. Because applicant's explanation clarifies what disclosed structure the term "winding mechanism" refers, this rejection has been obviated.

In the last two paragraphs on page 15 of the amendment, applicant argues that the term "stop means" is not vague and indefinite. The Examiner respectfully disagrees, particularly since applicant has not indicated what disclosed structure this term refers and it is not readily clear since features which could be considered as being the stop means are designated as part of something

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else; for example, it would seem that the stop means would include the support 13. However, this feature is set forth separately in claim 8 and thus coexists in claim 8 with the stop means. Because two claimed limitations cannot indicate the same structure, the stop means and the support must correspond to different disclosed structure. And since it appears that the claimed support corresponds to element 13, it is not clear what disclosed structure “stop means” refers.

Further, applicant states in first full paragraph on page 16 of the amendment that “[T]he retention members in claim 3 are represented in the preferred embodiment by elements 9, 21 and 19.” However, it is respectfully submitted that this statement cannot be accurate, particularly since, for example, element 19 refers to the actuating slider and element 21 refers to the knob, both of which appear to be part of the feed mechanism. Thus, it remains unclear as to what disclosed structure the term “retention members”, which are claimed as part of the stop means, refers.

In the second full paragraph on page 16 of the amendment, applicant argues that the term “arresting stops” corresponds to the projections 19A. Because applicant’s explanation clarifies what disclosed structure the term “arresting stops” refers, this rejection has been obviated.

In the third full paragraph on page 16 of the amendment, applicant argues that the “[F]irst and second stops of claim 6 are represented in the preferred embodiment by the projections 19A.” Applicant further states that the “projections 19A are considered to be on the housing because projections 19A are rotationally fixed to the housing.” The Examiner respectfully disagrees with applicant’s explanation. The first stop or groups of stops are clearly disclosed as being on the

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actuating slider, which appears to be a part of the feed mechanism. While the first stop of group of stops may be considered rotationally fixed to the housing, it is not possible that the stop or group of stops can be considered part or on the housing. Further, it is not at all clear as to what stop or group of stops are being referred to by the recitation “a second stop or group of stops.” First, there are no such stops disclosed which are “on the housing.” Second, there is no disclosure in the elected embodiment of a first group of stops combined with a second group of stops which is covered by the present claim language. Thus, it remains unclear as to what disclosed structure “a first stop of group of stops on said housing” and “a second stop of group of stops on said housing” refers.

In the fourth full paragraph on page 16 of the amendment, applicant argues that the movable stops correspond in the preferred embodiment to the projections 19A. Because applicant’s explanation clarifies what disclosed structure the term “movable stops” refers, this rejection has been obviated.

Regarding applicant’s arguments directed to the prior art rejection, the Examiner respectfully disagrees and a more thorough explanation of how the prior art is applied to the present claims is provided in the prior art rejection above. The Examiner’s respectfully submits that Fabrizio discloses all of the claimed limitations as best understood from the present claims. For example, in loosening the retaining screw 10, feature 3 can be lowered and winding of the line onto the head can be performed. Thus, for example, the spool would still be supported in the

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housing. Further, while such a winding operation is not disclosed, it is clearly possible and is thus considered an intended use of the prior art device.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', written in a cursive style.

Clark F. Dexter
Primary Examiner
Art Unit 3724

cfid
January 17, 2002